

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Caterpillar Financial Services Corporation,)	
)	
Plaintiff,)	ORDER GRANTING
)	DEFAULT JUDGMENT
)	
vs.)	
)	
Fast Energy Services LLC, Chad Johnson,)	Case No. 1-17-cv-192
)	
Defendants.)	

Before the Court is Caterpillar Financial Services Corporation, (“Caterpillar”)’s “Motion for Default Judgment” filed on January 30, 2018. See Docket No. 16. Caterpillar seeks default judgment on its complaint against Defendants Fast Energy Services LLC and Chad Johnson. Caterpillar served a copy of the summons and complaint on the Defendants on September 29, 2017. Docket Nos. 5, 6. Such service appears to be in compliance with Rule 4 of the Federal Rules of Civil Procedure. The Defendants had twenty-one (21) days from the date of service to file an answer or otherwise file a responsive motion. See Fed. R. Civ. P. 12(a). To date, no answer has been filed nor any appearance made on their behalf. Having failed to defend or otherwise appear, entry of default was made by the Clerk of Court on January 29, 2018, as required by Rule 55(a) of the Federal Rules of Civil Procedure, which was amended on February 5, 2018. See Docket Nos. 15, 20. Caterpillar’s motion for default judgment and affidavit of Attorney Eric R. Sherman demonstrate the Defendants have failed to appear, are not minors, incompetent, or in military service, and the damages sought are a sum certain or can be made certain by computation. See Docket Nos. 16, 17, 18, 19.

Accordingly, the Court **GRANTS** the motion for default judgment. Pursuant to Rule 55(b), the Clerk of Court is directed to enter default judgment against Fast Energy Services LLC and Chad Johnson in the amount of \$111,265.05 for amounts owing under the implicated lease and personal guaranty. Docket Nos. 1-2, 1-4. Caterpillar is entitled to prejudgment interest of 6% on that amount under N.D.C.C. § 32-03-04 and N.D.C.C. §47-14-05, which is to be measured from July 13, 2017. The Clerk of Court is further directed to enter default judgment against Fast Energy Services LLC and Chad Johnson in the amount of \$23,901.84 for reasonable attorney's fees and \$1,744.53 in costs incurred in this action, as allowed for under the implicated lease and personal guaranty. Docket Nos. 1-2, 1-4. Additionally, Caterpillar shall have possession of the following equipment in the Defendants' possession, custody and/or control:

Manufacturer	Description	Serial Number/VIN
Caterpillar	CT 660 Caterpillar On-Highway Truck	TRIK01368 IHSJGTKR7DJ419421
Caterpillar	130BBL J&J VAC Trailer	CM006-064

IT IS SO ORDERED.

Dated this 19th day of March, 2018.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court